

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CLEONE HEMINGWAY and RANDE
HEMINGWAY,

Plaintiff,

Civil No. 13-3379 (JRT/JJG)

v.

FIRST NATIONAL INSURANCE COMPANY
OF AMERICA,

Defendant.

**ORDER ON REPORT
AND RECOMMENDATION**

Cameron D Davis, **HOVERSTEN, JOHNSON, BECKMAN & HOVEY, LLP**,
807 West Oakland Avenue, Austin, MN 55912, for plaintiffs,

Daniel W Berglund, **GROTEFELD HOFFMANN**, 150 South Fifth Street, Suite
3650, Minneapolis, MN 55402, for defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**; and
2. Defendant First National Insurance Company of America's Motion to Dismiss [Docket No. 24] is **DENIED**.

Dated: June 24, 2014

s/John R. Tunheim

JOHN R. TUNHEIM

United States District Judge